

# TRIAL TRANSCRIPT AUGUST 26, 2025

Volume 6

Pages 1018 - 1220

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Richard Seeborg, Judge

ANIBAL RODRIGUEZ, et al., )  
individually and on behalf of )  
all others similarly situated, )

Plaintiffs, )

VS. )

NO. 3:20-CV-04688 RS

GOOGLE LLC, )

Defendant. )

San Francisco, California

Tuesday, August 26, 2025

**TRANSCRIPT OF JURY TRIAL PROCEEDINGS**

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CSR No. 7445, Official United States Reporter

**HEFT-LUTHY - CROSS / ATTANASIO**

1 open document that you can -- anybody from the team could go in  
2 and throw a version in. We might comment on it and people  
3 could say, "Oh, this makes sense," and then one of us would  
4 port it over to the main; or we might say, "Hey, I'm going to  
5 bring this content over here."

6 **Q.** And if you look at the mission statement -- you can look  
7 at it to yourself, we don't need to linger on it -- is there  
8 anything in this document you were just shown this morning that  
9 has to do with what happens when SWAA is turned off?

10 **A.** Not to my recollection.

11 **Q.** Let's look at another document, if we could, and that  
12 would be -- to continue on this theme, and that would be  
13 Exhibit 213.

14 You were shown several of these.

15 **MR. ATTANASIO:** Just hold it there, Brooklyn, please.  
16 This is in evidence.

17 **BY MR. ATTANASIO:**

18 **Q.** As was established, this was an email to you from someone  
19 named David Warren. Do you see that at the top?

20 **A.** Yes.

21 **Q.** Okay. But what's going on here? This is not like a  
22 normal email. What -- there are documents on the left.  
23 There's comments from different people. Explain this protocol  
24 because there's a few of these you were shown this morning.

25 **A.** So this protocol, this format that we're looking at would

## HEFT-LUTHY - CROSS / ATTANASIO

1 be the way that Google Docs will send comments that people will  
2 write on a document that go to your notification.

3 So you might get an email saying, "This -- these four  
4 people commented on this document part," and it'll try to  
5 reproduce some of the content on the side so you know what it's  
6 in reference to. And some of that I think got ported over and,  
7 I guess, some of it didn't.

8 Q. Do we have the documents here?

9 A. I don't believe so.

10 Q. So we don't even know what's being commented on because we  
11 don't have the document that's actually on the left; right?

12 A. That's correct.

13 Q. And if we look at the bottom of 213, you were asked about  
14 a comment you wrote. It says "Sam Heft-Luthy" about two-thirds  
15 of the way down?

16 A. Yes.

17 Q. And you say [as read]:

18 "This is pretty hard to parse."

19 Do you see that?

20 A. Yes.

21 Q. Do you know, as you set here now, what that is even about?

22 A. No.

23 Q. Do you know if it has anything to do -- just from looking  
24 at this, have anything at all to do with what happens when SWAA  
25 is turned off?

1 A. No.

2 Q. Or Google Analytics?

3 A. No.

4 Q. Or Firebase?

5 A. No.

6 Q. Is it -- as far as we're sitting here right now, would  
7 this be something you'd call in context or out of context?

8 A. I would say out of context.

9 MR. ATTANASIO: You can take that down, Brooklyn.

10 Thank you.

11 BY MR. ATTANASIO:

12 Q. All right. Let's talk about Exhibit 6. We're going to  
13 spend a little more time on this.

14 Do you remember Exhibit 6 is the survey?

15 A. Yes.

16 Q. Privacy notes conversations, which is in evidence?

17 A. PrivacyNative, yes.

18 Q. Thank you.

19 And just to set the stage, you testified this morning that  
20 this reflects some interviews you and your colleagues conducted  
21 of various Google employees; is that right?

22 A. That's correct.

23 Q. And in relation to identifying user perceptions of Google,  
24 what was the goal here?

25 A. We were having very high-level conversations with people

1 A. I -- I suppose, yes.

2 Q. All right. Let's just -- we can take that down, please.

3 You were shown a few snippets from that on direct. I  
4 wanted to give more context.

5 A. Yeah.

6 Q. But let me cut to the chase. Were the interviews we find  
7 in Exhibit 6 in both directions -- some sound good; some don't  
8 sound good -- were they about WAA or SWAA specifically?

9 A. No.

10 Q. Were they focused on Google Analytics or Firebase?

11 A. No.

12 Q. Was it the purpose of the exercise to investigate the  
13 functionality of those settings?

14 A. No.

15 Q. Was the purpose of the interviews to determine if Google  
16 was invading its users' privacy by how it handled the SWAA  
17 switch?

18 A. No.

19 Q. By the way, did you believe -- from your perch in the  
20 privacy office, did you ever believe, at the time you were at  
21 Google, that Google was deceiving its users when it comes to  
22 privacy and the SWAA button?

23 A. No.

24 MR. DAVID BOIES: Objection. Foundation, Your Honor.

25 THE COURT: Overruled.

1 **BY MR. ATTANASIO:**

2 **Q.** Based on what you knew, as somebody who was there, did you  
3 believe the SWAA button was, quote, "fake"?

4 **A.** No.

5 **Q.** With respect to Mr. Pichai's testimony before Congress,  
6 there was quite a bit about what you remembered and didn't  
7 remember.

8 When you were first asked about his testimony at Congress  
9 in your deposition, were you shown the video or a transcript of  
10 the testimony first?

11 **A.** No.

12 **Q.** Were you shown instead a chat message that's been put  
13 before the jury between you and four colleagues at Google,  
14 talking about a whole bunch of people?

15 **A.** Yes.

16 **Q.** When you were shown the chat talking about a whole bunch  
17 of people, including Mr. Pichai, was that what you were trying  
18 to work through in terms of what you were being asked?

19 **A.** Yes.

20 **Q.** Were you later shown the video or a transcript of the  
21 video?

22 **A.** I honestly don't recall. I believe the transcript  
23 shows -- showing me something, but I don't remember what it was  
24 showing.

25 **Q.** When you were shown that, did you have any problem saying,

**HEFT-LUTHY - REDIRECT / DAVID BOIES**

1 "Yes, there's our CEO, Mr. Pichai"?

2 **A.** No.

3 **MR. ATTANASIO:** Okay. That's all I have. Thank you,  
4 Your Honor.

5 **THE COURT:** Mr. Boies.

6 (Pause in proceedings.)

7 **THE WITNESS:** And apologies. I'm a Type I diabetic.  
8 I'm going to check my blood sugar very quickly on my phone.

9 **MR. DAVID BOIES:** When you're ready, let me know.

10 **THE WITNESS:** Thank you for your patience.

11 **THE COURT:** If you'd like to take a break, we're happy  
12 to take a break.

13 **THE WITNESS:** I'm okay.

14 **THE COURT:** Okay.

15 **THE WITNESS:** Thank you.

16 **REDIRECT EXAMINATION**

17 **BY MR. DAVID BOIES:**

18 **Q.** I think you just testified that you were shown a video of  
19 Mr. Pichai's testimony at your deposition; correct?

20 **A.** Yes.

21 **Q.** And did I hear you say that after you saw that, you  
22 immediately identified that as Mr. Pichai? Did I hear you say  
23 that?

24 **A.** I don't recall what order the stuff happened in the  
25 deposition.



1 Every piece of Help Center documentation where we describe  
2 how the product works and all of our policies are reviewed by  
3 me and my team.

4 And we work with our engineering counterparts and UX  
5 counterparts and others to make sure we build the best product  
6 we can.

7 **Q.** Mr. Ganem, we saw yesterday during the trial a reference  
8 to the virtuous cycle of Google Analytics. Is that a phrase  
9 you're familiar with?

10 **A.** It is.

11 **Q.** What does -- what is the virtuous cycle of  
12 Google Analytics?

13 **A.** The basic idea is the belief that data-driven insights can  
14 help businesses make better decisions; and in the context of  
15 Google Analytics for Firebase, that means app developers can  
16 use the insights they get from analytics to understand better  
17 what content resonates with their users to help them build  
18 better apps for more users. And when their apps are better,  
19 their businesses will grow, and we believe that that will --  
20 they'll hopefully have desire to spend more on advertising with  
21 Google.

22 **Q.** Does Google Analytics for Firebase make money for Google?

23 **A.** Not directly. You could say indirectly, based on what  
24 we -- what I just described, that when businesses grow with  
25 analytics and when they see insights in analytics that

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1 highlight the value that Google is driving to their business,  
2 that they may choose to spend more money with Google. So  
3 indirectly Google may benefit from usage of analytics.

4 **Q.** Now, Mr. Ganem, we have a lot to cover today, but I want  
5 to jump right to the heart of this case so that the jury has  
6 the benefit of hearing your thoughts.

7 You've been sitting here throughout the trial. We've  
8 discussed that. Did you hear Dr. Hochman's testimony regarding  
9 a 30-story building of data?

10 **A.** I did.

11 **Q.** Did you have any understanding as to what he was trying to  
12 convey with his 30-story building analogy.

13 **A.** My understanding is that he was trying to convey that  
14 there was device profiles that had mountains of SWAA-off data  
15 associated with them in Google Analytics.

16 **Q.** Does Google Analytics maintain profiles of user data  
17 organized by device or by user?

18 **A.** No. That's not how Google Analytics stores its data.

19 **Q.** Is it stored in the form of the equivalent of a 30-story  
20 building of data assigned to a particular user or a particular  
21 device?

22 **A.** No. That's not how I would describe it.

23 **Q.** How is the data stored?

24 **A.** Google Analytics stores data compartmentalized in accounts  
25 that are created by our customers. So each business that signs

1 up for analytics effectively has its own storage unit or  
2 account where their data that belongs to their business  
3 resides.

4 **Q.** Using Dr. Hochman's analogy of the 30-story building, can  
5 you explain how the data is organized?

6 **A.** If you were to describe Google Analytics data as being in  
7 a building, it would be more like where -- a building where  
8 there's many apartments, one apartment per business that uses  
9 Google Analytics, where the data for that business is stored  
10 only in their apartment and kept separated from the other  
11 businesses that use Google Analytics.

12 **Q.** Does the data in each apartment from each different app,  
13 can the data intermingle?

14 **A.** Not in Google Analytics, no.

15 **Q.** Is there anything that restricts Google from intermingling  
16 the data from the different apartments assigned to the  
17 different apps?

18 **A.** There's lots of technical barriers that we put in place to  
19 make sure that that does not happen. For example, encryption  
20 and access to the data is locked down. There are policies, but  
21 there's also technical access restrictions put in place to make  
22 sure that the -- only the people who are working on providing  
23 the service to our customers have access to that data and, of  
24 course, the customers themselves have access to their data.

25 **Q.** Now, you heard Dr. Hochman refer to something he calls a

1 shadow account. Does your product maintain shadow accounts of  
2 analytics data organized by user or device or any other  
3 identifier assigned to users?

4 **A.** No, it doesn't.

5 **Q.** Have you prepared anything to help the jury understand  
6 your analogy?

7 **A.** Yes. We put together a series of diagrams that helps  
8 describe this better, in a way that's more faithfully  
9 represented with how the product actually works.

10 **Q.** What prompted you to prepare this diagram?

11 **A.** Honestly, sitting in court and hearing others who aren't  
12 as familiar with the product describe how it works and how it  
13 stores data, I felt compelled to set the record straight on how  
14 it actually works.

15 **MR. SANTACANA:** Okay. Let's go ahead and look at  
16 Mr. Ganem's first slide, Brooklyn.

17 **Q.** Is this --

18 **THE COURTROOM DEPUTY:** To the jury?

19 **MR. SANTACANA:** Yes, please. I don't believe there's  
20 an objection.

21 **BY MR. SANTACANA:**

22 **Q.** Mr. Ganem, is this the diagram you were just referring to?

23 **A.** I'm waiting for it to show up somewhere.

24 Yes, this is right.

25 **Q.** So now that the diagram is on the screen, can you please

1 Q. What do you think of his analogy?

2 A. I don't think that's unfair to say that each of these  
3 apartments individually characterizes some description of his  
4 behavior.

5 Q. Does Google put -- under any circumstance, does Google put  
6 the puzzle pieces together?

7 A. I would say that it does for SWAA-on users. That's  
8 effectively the expectation we set, and the value of SWAA on is  
9 putting it together so that your content is personalized based  
10 on these signals.

11 Q. Continuing with the puzzle analogy, Mr. Ganem, what  
12 happens when SWAA is off?

13 A. When SWAA is off, these puzzle pieces remain in the  
14 apartments, locked and not -- they're not combined by Google to  
15 form a complete picture.

16 Q. Let's look at the next slide, please.

17 You made this slide as well?

18 A. That's right.

19 Q. Can you please explain to the jury what you're trying to  
20 convey on this SWAA-on slide?

21 A. So similar to before, there are still these apartments  
22 that are locked where the data is only available to each  
23 analytics customer. But in this case, the data is being shared  
24 with Google for those users who have SWAA enabled, and the  
25 analytics data from the apps they use are -- is saved to their

1 using personalized advertising when sWAA is off?

2 **A.** No. Google doesn't build personalized advertising  
3 profiles based on sWAA-off data.

4 **Q.** So just to summarize it for the jury, sir, could you just  
5 spell out for us the difference between, in the puzzle analogy,  
6 sWAA on and sWAA off?

7 **A.** In the puzzle analogy, when sWAA is on, these puzzle  
8 pieces can be saved to your Google Account and in such a way  
9 that they're identified with you or associated with your  
10 Google Account, providing Google with a more complete picture  
11 of your Web & App Activity so that it can do personalization.

12 In the sWAA-off example, this data remains completely  
13 de- -- non-personal information or de-identified and is used to  
14 provide app developers with insights on how users are using  
15 their apps so that they can build and improve their apps.

16 **Q.** Mr. Ganem, have you heard some of the people at this table  
17 describe WAA as a fake button?

18 **A.** I have.

19 **Q.** Do you have any response to that?

20 **A.** I think it's demonstrably false that it's fake. The way  
21 that we apply it in Google Analytics, it has clear differences,  
22 as you can see in the diagram.

23 **Q.** Now, you've also, I think, heard yesterday Mr. Rodriguez  
24 accuse Google of collecting his name and his email and his  
25 phone number through Google Analytics. Do you recall that

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1 testimony?

2 **A.** I do.

3 **Q.** I just want to make clear right at the start, Mr. Ganem,  
4 as the head of Google Analytics, do you intend to collect  
5 people's names, phone numbers, or email addresses with  
6 Google Analytics?

7 **A.** Absolutely not.

8 **Q.** Is there any part of the design of Google Analytics that  
9 is intended to collect names, phone numbers, email addresses,  
10 or any personally identifiable information?

11 **A.** No. To the contrary. We design it so that it can't  
12 collect that or it shouldn't collect that.

13 **Q.** Now, in addition to the design that it shouldn't collect  
14 that, is there anything else that you do to address the risk  
15 that a developer might send Google personally identifiable  
16 information via Google Analytics?

17 **A.** Yes. We have, I would say, three categories of things  
18 that we do. The first is the way we design the product  
19 intentionally contains the data for each account. So if you  
20 have one customer who's violating our policies by sending the  
21 PII we tell them not to send us, that data is contained within  
22 one of these accounts.

23 Secondly, it's never used. It's there and if it's  
24 valuable to that analytics customer, so be it, but Google never  
25 looks for it or intends to use that to reidentify the user. So

1 fair?

2 **A.** Not for Google Analytics for Firebase.

3 **Q.** So let's say they do it. What happens to the data once it  
4 arrives in the apartment?

5 **A.** So it's logged in that apartment. It stays there for a  
6 certain period of time; but after that period of time elapses,  
7 which I believe is 56 days for our logs, then this raw PII data  
8 is deleted.

9 **Q.** It's there for how long?

10 **A.** 56 days in our logs.

11 **Q.** And then after that?

12 **A.** After that, in -- once that data gets processed and moved  
13 down the pipeline, it's stored in the account, in this  
14 apartment, and the app -- you know, the app developer can  
15 choose how long to retain that raw data, but the default is  
16 60 days.

17 **Q.** Do you have a sense, Mr. Ganem, of how common of a problem  
18 it is that app developers send PII against your policies?

19 **A.** We -- I don't know what proportion does. I don't believe  
20 it's super common, but obviously it does happen.

21 **Q.** Do you catch every instance of it?

22 **A.** No, we don't.

23 **Q.** Is this a problem -- this data sneaking in, I think  
24 Dr. Hochman called it toxic data, is this problem something  
25 that you worry about in your job?



1           **MR. SANTACANA:** Your Honor, I move into evidence  
2 pages 32 to 42 of Exhibit 933, and we will be cutting out the  
3 rest.

4           **MR. DAVID BOIES:** With that modification, no  
5 objection, Your Honor.

6           **THE COURT:** Very well. So the Exhibit --

7           **MR. SANTACANA:** And we'll replace it for you,  
8 Your Honor, after the day is over.

9           **THE COURT:** The new Exhibit 933 are the pages you just  
10 mentioned?

11           **MR. SANTACANA:** That's right, 32 to 42.

12           **THE COURT:** All right. Those -- that exhibit, as  
13 you've described it, will be admitted.

14           (Trial Exhibit G933, pages 32 to 42, received in  
15 evidence.)

16           **MR. SANTACANA:** Thank you, Your Honor.

17 **BY MR. SANTACANA:**

18 **Q.** Mr. Ganem, let's go ahead and display that to the jury.

19           If you could, please, sir, point out to the jury where in  
20 the contract with the app developers you require that they  
21 disclose Google Analytics to their users.

22 **A.** That would be under Section 7 --

23 **Q.** Okay.

24 **A.** -- Privacy.

25 **Q.** Let's take a look at Section 7, which is page 36 at the

1 bottom and page 37 at the top.

2 Can you please explain to the jury where in this section  
3 of the contract you require that app developers disclose  
4 Google Analytics to their own users?

5 **A.** Yes. So there's a sentence that starts "You must," and it  
6 reads [as read]:

7 "You must post a Privacy Policy and that Privacy  
8 Policy must provide notice of your use of cookies,  
9 identifiers for mobile device (e.g. Android  
10 Advertising Identifier or Advertising Identifier for  
11 iOS) or similar technology that are used to collect  
12 data. You must disclose the use of the service, and  
13 how it collects and processes data. This can be done  
14 by displaying a prominent link to the site 'How  
15 Google uses data when you use your partners' sites or  
16 apps,'" -- located at this URL -- "or any other URL  
17 Google may provide from time to time."

18 **Q.** Would you mind reading the next sentence as well,  
19 Mr. Ganem?

20 **A.** [As read]:

21 "You will use commercially reasonable efforts to  
22 ensure that a user is provided with clear and  
23 comprehensive information about and consents to the  
24 storing and accessing of cookies or other information  
25 on the user's device where such activity occurs in

**SIDEBAR**

1 connection with the service and where providing such  
2 information and obtaining such consent is required by  
3 law."

4 **Q.** Has this requirement been in the contract between Google  
5 and app developers for Google Analytics since 2016?

6 **A.** Yes.

7 **Q.** And you've been the head of Google Analytics for, I guess,  
8 three years now approximately?

9 **A.** Yes.

10 **Q.** In those three years, what has been your intent in  
11 including this in the terms of service? Why is it there?

12 **A.** The intent is really clear. We want to make sure that  
13 Google users who use these apps, or users in general,  
14 understand that these apps use our service, and when they  
15 have -- and that these identifiers are collected as a part of  
16 it, and to link to our Privacy Policy, to understand how Google  
17 treats that data.

18 **Q.** At any time, Mr. Ganem --

19 **MR. DAVID BOIES:** May we approach, Your Honor?

20 **THE COURT:** Very well.

21 (The following proceedings were heard at the sidebar:)

22 **MR. DAVID BOIES:** The witness just testified that the  
23 reason for putting paragraph 7 -- or Section 7 into the  
24 agreement with app developers was to ensure that the users  
25 understood what was being collected. That is exactly what

1 gives the false impression that Google would --

2 Google Analytics wants or uses this data or Google could use it  
3 or wants to use it to identify their users.

4 Q. Do app developers sometimes violate this sentence?

5 A. Yes.

6 Q. What do you do about it?

7 A. So we have a process in place when we become aware of it.

8 We kick off this process to first investigate to confirm  
9 whether or not they're doing it; second, to notify the customer  
10 that they're in violation of our contract. Typically, we give  
11 them some amount of time to fix the problem; and at the end of  
12 that period that we give them, we either let them off the hook  
13 or terminate their account.

14 Q. Mr. Ganem, have you ever intended to mislead end users  
15 with respect to whether or not Google Analytics is present in  
16 any particular app?

17 A. No.

18 Q. Until this lawsuit was filed, had it ever occurred to you,  
19 sir, that the WAA control should determine whether your product  
20 is able to operate as it does?

21 A. Never.

22 Q. Why not?

23 A. Because that would be -- if you want a working analytics  
24 product that gives businesses an understanding of their users,  
25 that would leave huge gaping holes in their data that make the

1 product useless to them.

2 Q. Okay. I'd like to show you a different exhibit now.

3 Let's look at -- or I'll show you what's been marked for  
4 identification as Exhibit 896.

5 What is Exhibit 896?

6 A. This is the upload data use policy.

7 Q. What is the upload -- what is the Google Analytics upload  
8 data use policy?

9 A. Can you give me a moment to familiarize myself with it?

10 Q. Yes. Go ahead.

11 A. (Witness examines document.) Okay. This is the policy  
12 that makes clear what Google Analytics does, the service we're  
13 providing to you, for the data that you send to the service.

14 Q. When you say "that you," you're referring to app  
15 developers?

16 A. That's correct.

17 Q. Not people like me?

18 A. Unless you're an app developer.

19 Q. I would love to be one, but I'm a lawyer, so I don't have  
20 any apps up my sleeve.

21 So what does the upload data use policy require of app  
22 developers?

23 A. Well, among other things, it says that they must have the  
24 rights --

25 MR. DAVID BOIES: Objection, Your Honor. It's not in

1 evidence.

2           **THE COURT:** All right. Have you -- are you moving  
3 this into evidence?

4           **MR. SANTACANA:** I will, Your Honor, I'm asking him --

5 **BY MR. SANTACANA:**

6 **Q.** Let me ask you generally, Mr. Ganem, during the period  
7 2016 to 2024, what was the Google Analytics upload data use  
8 policy?

9 **A.** That the customer must have the rights to actually upload  
10 the data to Google Analytics, and that they will not send us  
11 any personally identifiable information.

12 **Q.** Okay.

13           **MR. SANTACANA:** And, actually, Brooklyn, we can take  
14 that down.

15 **BY MR. SANTACANA:**

16 **Q.** I'll just ask you, sir. Where has Google provided that  
17 policy to app developers? Has it only been in the contract we  
18 just saw?

19 **A.** No. This is also just in the Help Center for  
20 Google Analytics.

21 **Q.** What is the Help Center for Google Analytics?

22 **A.** Help Center is where we -- where the documentation for how  
23 the product works lives.

24 **Q.** Can every app developer access it?

25 **A.** Yes, even those that haven't yet used the product, if they

1 means that lots of users are quitting before they're finishing  
2 the level. So in this case, using analytics, they could try to  
3 investigate and find out what level are users getting stuck on  
4 or something like that.

5 **Q.** In order to help Floodit understand that insight that you  
6 just made, is Google leveraging or exploiting personally  
7 identifiable information?

8 **A.** No. That's not necessary.

9 **Q.** What about their Google Account identity? Is it using  
10 that to figure all of this out?

11 **A.** No.

12 **Q.** When sWAA is on, does it use that to figure all of this  
13 out?

14 **A.** No.

15 **Q.** Do the reports like this that are provided to the app  
16 developers, do those contain personally identifiable  
17 information for the app developer to review?

18 **A.** No.

19 **Q.** Where does Google log all of the data that underlies this  
20 report?

21 **A.** So there's -- we have log sources when the data initially  
22 gets to our servers where they're first written.

23 **Q.** Does the user's sWAA state affect how the data is logged?

24 **A.** Yes, it does.

25 **Q.** How does it affect it?

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1     **A.**   Well, if the sWAA isn't consented to, then the data is  
2     only logged in what we call pseudonymous logs, de-identified  
3     logs. And if sWAA is consented, then the data is separately  
4     logged in identified logs.

5     **Q.**   How long does it take Google Analytics to do the math that  
6     generates these reports?

7     **A.**   It can take hours to do it across all of our customers.

8     **Q.**   How long does that pseudonymous log you just discussed  
9     remain in existence?

10    **A.**   The data that's written to the pseudonymous logs expires  
11    after 56 days.

12    **Q.**   Why 56 days?

13    **A.**   We retain that data in case there are bugs and the data  
14    needs to be reprocessed, which, unfortunately, happens more  
15    often than we would like.

16    **Q.**   How often?

17    **A.**   We've had to reprocess millions of accounts' data over the  
18    last couple of years.

19    **Q.**   What if the bug is discovered after 56 days?

20    **A.**   Then, unfortunately, that data is unrecoverable.

21    **Q.**   Okay. I'd like to talk a little bit more about what that  
22    data looks like.

23           How exactly does your product differentiate between  
24    different users of the Reddit app?

25    **A.**   Well, when the Reddit app user first installs the app and



1 conversions?

2 **A.** No.

3 **Q.** Who is the leader?

4 **A.** AppsFlyer is by far the leader among app advertisers.

5 **Q.** Do you have an understanding as to why AppsFlyer is doing  
6 a better job competing for advertisers than Google Analytics  
7 with respect to measuring conversions?

8 **A.** Yes. It's pretty simple. Google Analytics basically only  
9 measures Google ad campaigns. And AppsFlyer and other  
10 competitors in the space measure across Google, Meta, TikTok,  
11 and others, and most advertisers who advertise with Google also  
12 advertise on these other channels.

13 **Q.** Mr. Ganem, have you ever intended to cede control of  
14 whether or not your product can measure conversions to the WAA  
15 button?

16 **A.** No.

17 **Q.** If this jury were to find that you should have, that the  
18 WAA button should prevent you from being able to measure  
19 conversions, what would happen to Google Analytics?

20 **A.** It would cripple the product and make it impossible for  
21 businesses to faithfully measure what's going on in their app  
22 and how to make their apps better for users.

23 **Q.** Now, what if you couldn't measure conversions but you  
24 could still have analytics data? What would that mean for the  
25 product?

1   **A.**   It would be useful to app developers for improving their  
2   apps, but not for growing their businesses necessarily since  
3   they don't get an understanding of what are their sources of  
4   their most valuable users and which ad campaigns they're  
5   running are working for them.

6   **Q.**   Could they use a different product to measure ad  
7   performance instead of yours?

8   **A.**   Yes. They would probably use AppsFlyer or one of the  
9   other ads measurement tools.

10   **Q.**   In your mind, would that impact whether or not they choose  
11   to advertise with Google?

12   **A.**   It could, but it really depends on their results.

13           **THE COURT:** Would this be a good time for the break?

14           **MR. SANTACANA:** Sure, Your Honor.

15           **THE COURT:** Okay. Members of the jury, let's take our  
16   second break. Remember my admonitions to not discuss this  
17   amongst yourselves or with anyone else, and we'll see you back  
18   in 15 minutes.

19                   (Recess taken at 12:18 p.m.)

20                   (Proceedings resumed at 12:37 p.m.)

21           (Proceedings were heard out of the presence of the jury.)

22           **THE COURT:** Okay. Are we ready to bring the jury out?

23           **MR. SANTACANA:** We are, Your Honor.

24           **MR. DAVID BOIES:** Yes, Your Honor.

25           (Proceedings were heard in the presence of the jury.)

1           **THE COURT:** The jury is present.

2           Mr. Santacana.

3           **MR. SANTACANA:** Just one more exhibit for the Court.

4                               (Pause in proceedings.)

5           **BY MR. SANTACANA:**

6           **Q.** Welcome back, Mr. Ganem.

7           I want to ask you about the separation of data that you've  
8           been discussing.

9           In what ways does Google maintain separation between PII  
10          and pseudonymous data?

11          **A.** There's a number of different ways. So, first, when sWAA  
12          is consented to, data signed out, pseudonymous data, is stored  
13          in a separate log from the signed-in identified data.

14          Additionally, we use a technique called scrubbing to make  
15          sure there's no common identifiers across the two logs that  
16          might make it possible to join across them.

17          Third, we use encryption so that the data in each log  
18          source, the identifiers, are encrypted; and using access  
19          controls, no Googler, no human at Google -- excuse me -- can  
20          have access to those keys to decrypt the data.

21          And there's more things beyond this, but these are some  
22          examples.

23          **Q.** Would you mind moving your microphone kind of up higher a  
24          little bit or a little closer? I'm having a little trouble  
25          hearing you.

1 A. Is that better?

2 Q. Much better.

3 A. All right.

4 Q. Thank you.

5 So I'd like to show you what's been marked for  
6 identification as Exhibit 929. It should be in your binder  
7 right there.

8 Do you recognize Exhibit 929?

9 A. Yes.

10 Q. What is it?

11 A. These are scrubbing policies for logs data.

12 Q. Where do you go to get this policy? Inside of Google, I  
13 mean.

14 A. Google has internal websites available for our development  
15 team, and that's where you would go to find this.

16 MR. SANTACANA: I move to admit Exhibit 929 into  
17 evidence.

18 MR. DAVID BOIES: No objection, Your Honor.

19 THE COURT: 929 will be admitted.

20 (Trial Exhibit G929 received in evidence.)

21 BY MR. SANTACANA:

22 Q. Mr. Ganem, could you please explain to the jury what  
23 they're looking at here with Exhibit 929?

24 A. This is a policy for Google engineers to follow in how  
25 they use a technique called scrubbing to prevent the